



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1303 OF 2025
IN FAST/29097/2024**

MUSKAN D/O GAFFAR KURESHI ALIAS MUSKAN WD/O
MATIN SHAIKH AND ORS

VERSUS

THE DIVISIONAL CONTROLLER MSRTC AND ANR

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Mr. K. N. Shaikh, Advocate for Applicants

Mr. D. S. Bagul, Advocate for Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 07th FEBRUARY, 2025

PER COURT :-

1. Heard.

2. The present application is filed by original claimants seeking permission to withdraw the amount deposited by respondent MSRTC in pursuance to award dated 28.02.2024 in MACP No.772 of 2022.

3. The claimants instituted the claim for compensation towards accidental death of Matin on 28.10.2022. While proceeding on motorcycle as a pillion rider, ST bus gave dash to the motorcycle of deceased. Consequently, he suffered fatal injuries. Offence was registered against bus driver.

4. The respondents/MSRTC contested the claim alleging negligence against motorcycle rider. The Tribunal upon assessment of evidence, passed an award of Rs. 17,62,800/- alongwith interest at the rate of 6% per annum in favour of the claimants.

5. Respondent/MSRTC filed present appeal assailing the judgment and award of the Tribunal carrying forward their defence of contributory negligence.

6. Having considered submissions advanced and reasons stated in the impugned award, it cannot be disputed that the deceased lost his life in accident involving MSRTC bus. *Prima facie*, the finding of the Tribunal appears to be on the basis of police papers, wherein the negligence against bus driver is attributed.

7. In that view of the matter, the claimants are certainly entitled for partial withdrawal of the amount. Hence, following order.

ORDER

- a) Civil Application is partly allowed.
- b) The applicants/claimants are permitted to withdraw

60% of compensation amount deposited by the respondent/MSRTC, subject to undertaking to the satisfaction of Registrar that they shall re-deposit amount in case such directions issued in this appeal.

(S. G. CHAPALGAONKAR, J.)

Rushikesh/2025